

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation,

No. MDL 15-02641-PHX DGC

Debra Mulkey,

Plaintiff,

No. CV-16-00853-PHX-DGC

v.

C. R. Bard, Inc., a New Jersey corporation;
and Bard Peripheral Vascular, Inc., an
Arizona corporation,

ORDER

Defendants.

The Mulkey trial is set to begin on **September 18, 2018 at 9:00 a.m.** A final pretrial conference will be held on **August 30, 2018 at 10:00 a.m.** In preparation for trial, the Court enters the following orders:

1. The attorneys who will be responsible for the trial of the case shall attend the final pretrial conference.

2. The parties jointly shall prepare a proposed final pretrial order and shall lodge it with the Court no later than **4:00 p.m. on August 17, 2018.** Preparation and lodging of the proposed final pretrial order in accordance with the requirements of this order shall be deemed to satisfy the disclosure requirements of Rule 26(a)(3) of the Federal Rules of Civil Procedure. The parties shall submit a copy of the proposed final pretrial order to the Court in Word format to Nancy_Outley@azd.uscourts.gov.

1 3. The proposed final pretrial order shall include the information prescribed in
2 the Joint Proposed Final Pretrial Order form found at www.azd.uscourts.gov under:
3 (1) Judges' Information, (2) Orders, Forms and Procedures, and (3) David G. Campbell.
4 Information shall not be set forth in the form of a question, but shall be presented in
5 concise narrative statements. With respect to jury instructions and the verdict form, the
6 Court intends to use the preliminary and final jury instructions and the verdict form from
7 the Booker trial. The parties need not follow the jury instruction form found at
8 www.azd.uscourts.gov, but instead should simply submit their stipulated and proposed
9 changes to the Booker instructions and verdict form. With respect to voir dire, the Court
10 intends to ask the voir dire questions from the Booker trial. The parties should submit
11 only stipulated and proposed changes to the Booker voir dire questions.

12 4. The Court will not allow the parties to offer any exhibit, witness, or other
13 evidence that was not disclosed in accordance with the provisions of this order and the
14 Federal Rules of Civil Procedure and listed in the proposed final pretrial order, except to
15 prevent manifest injustice. Fed. R. Civ. P. 16(e). Objections to witnesses and documents
16 should also be listed.

17 5. Plaintiffs shall have the burden of initiating communications concerning the
18 proposed final pretrial order.

19 6. The parties shall (a) number and mark exhibits in accordance with the
20 Exhibit Marking Instructions at www.azd.uscourts.gov under Judges and Courtrooms and
21 Orders, Forms and Procedures (such numbers shall correspond to exhibits numbers listed
22 in the proposed final pretrial order); (b) meet in person and exchange marked copies of
23 all exhibits to be used at trial no later than **14 days** before the submission deadline for the
24 proposed final pretrial order; and (c) eliminate any duplicate exhibits while meeting to
25 exchange exhibits.

26 7. The parties shall file and serve all motions in limine no later than
27 **July 27, 2018**. Responses to motions in limine shall be filed on or before
28 **August 10, 2018**. Each motion in limine shall state with precision the evidence that is

1 the subject of the motion. The motions and responses must be concise and shall not
2 exceed three (3) pages in length. No replies shall be filed. Counsel shall be prepared to
3 argue the merits of such motions at the final pretrial conference.

4 8. The parties shall provide deposition designations for the Court's ruling by
5 **4:00 p.m. on August 15, 2018.**

6 10. In order to facilitate the creation of an accurate record, the parties shall file
7 a "Notice to Court Reporter" **on or before August 17, 2018** containing the following
8 information that may be used at trial:

- 9 (a) Proper names, including those of witnesses.
- 10 (b) Acronyms.
- 11 (c) Geographic locations.
- 12 (d) Technical (including medical) terms, names or jargon.
- 13 (e) Case names and citations.
- 14 (f) Pronunciation of unusual or difficult words or names.

15 11. Trial will be held on **September 18-21, 24-28, and October 1-5, 2018.**
16 The Court will allocate **33 hours** to Plaintiffs and **30 hours** to Defendants.

17 12. Jury selection and use of jury questionnaires will be as outlined in the order
18 at Doc. 11320.

19 Dated this 1st day of June, 2018.

20
21 

22 _____
23 David G. Campbell
24 United States District Judge
25
26
27
28